

REMARKS

Upon entry of the above amendments, this application will contain claims 1-16, 18-19, and 32-42, pending and under consideration. The application was originally filed with claims 1-31. Claims 20-31 were canceled in a Response to Restriction Requirement. In the present Response, claim 17 has been canceled, new claims 32-42 have been added, and claims 1 and 6 have been amended. In light of the discussion below, it is believed that the claimed invention is patentable. Reconsideration leading to withdrawal of all rejections is respectfully requested.

Objections to the Drawings

Objections were raised to Figures 1 and 2. Submitted herewith are replacement drawings providing the best available micrographs for the present invention. The replacement drawings are submitted in accordance with 37 CFR §1.84.

Objections to the Specification

The specification was objected to on page 14, lines 14-15, for including blank spaces and for an incorrect serial number and docket number. The specification has been amended to reflect the correct references.

The specification was objected to for failing to provide proper antecedent basis for claims 3, 12, and 14-17. The specification has been amended on page 7 by including an amended paragraph, beginning on line 8. The amendments to the paragraph are derived from the claims. Therefore, it is believed that the amendments do not add any new matter.

Similarly, paragraph beginning on line 8 of page 10 has been amended. The amendments can be derived from claim 3. It is believed that these amendments do not add any new matter since they can be found in the claims as originally filed.

Rejections Under 35 USC §112

Claim 6 was rejected under 35 USC 112, second paragraph, specifically that the range for the z value was outside the range originally recited in claim 1. Claim 6 has been amended to provide a range of z of between about 0.04 and about 0.08. Support for this amendment can be found in the specification on page 8, lines 20-22. It is believed that this amendment does not add any new matter.

Rejections Under 35 USC §102

Claims 1, 4, 5, 7-11, and 18 were rejected under 35 USC §102(b) over DE 1,646,699. The Applicants note with appreciation that the Examiner indicated that claims 3 and 17 contain allowable subject matter but objected to these claims for being dependent upon a rejected base claim. In order to advance the prosecution of this application and without specifically conceding whether or not the claims are anticipated by DE 1646699, the Applicants have amended claim 1 to include the subject matter recited in claim 17 (now canceled), i.e., that the composition exhibits a piezo electric strain constant (d_{33}) of at least 300 PC/N.

Similarly, since independent claim 1 has been amended by incorporating the subject matter found in original claim 17 to address the following amendments. In light of the indication that claim 17 is patentable, it is believed that this amendment overcomes the following rejections:

- 1) Claims 1, 2, 4, 5, 7-11, 14, 18, and 19 were rejected under 35 USC §102(b) over EP 344,978;
- 2) Claims 1, 2, 4, 5, 7-11, 14, 18, and 19 were rejected under 35 USC 102(b) over Ushida et al. (US 4,948,767, “Ushida”); and
- 3) Claims 1, 5, 7-9, 13, and 18 were rejected under 35 USC 102(b) over Hase et al. (US 5,849,211, “Hase”).

To reiterate, the above amendment was made in order to advance the prosecution of the present application and without conceding that these references would anticipate the original claims. In light of the above amendment it is believed that all of these rejections are overcome. Withdrawal of the rejections of claim 1 and of claims 1, 2, 4, 5, 7-11, 13, 14, 18, and 19 is respectfully requested.

Rejections Under 35 USC §103

Claims 1, 4, 5, 7-11, and 18 were rejected under 35 USC §103(a) over DE 1,646,699.

Claims 1, 2, 4, 5, 7-13, 18, and 19 were rejected under 35 USC 103(a) over EP 344,978.

Claims 1, 2, 4, 5, 7-13, 18, and 19 were rejected under 35 USC 103(a) over Ushida et al. (US 4,948,767, “Ushida”).

Claims 1, 4, 5, 7-13, and 18 were rejected under 35 USC 103(a) over Hase et al. (US 5,849,211, "Hase").

Claims 1, 4, 5, 7-11, 13-16, and 18 were rejected under 35 USC 103(a) over Miyashita et al. (US 6,140,746, "Miyashita").

As noted above and in light of the indication that claim 17 is patentable, the Applicants have amended claim 1 to include the subject matter recited in claim 17 (now canceled). Without conceding that each rejection is valid or that the original claims are obvious considering the references cited in the rejections, the Applicants have amended independent claim 1 to advance the prosecution of the application. With this amendment the Applicants believe that the above-noted rejections are overcome by this amendment.

Withdrawal of the rejections of claim 1 and claims 1-5, 7-16, 18, and 19 is respectfully requested.

New Claims

New claims 32-41 have been added. Support for claims 32, 33, and 35 can be found in original claims 15 and 3, respectively. Support for claim 36 can be found in the application on page 4, lines 22-23. Support for claim 37 can be found in the application on page 4, lines 7-23, and claim 15. Support for claim 38 can be found in originally filed claim 17. Support for claims 39-42 can be found in originally filed claims 2, 3, 18, and 19, respectively. It is submitted that these amendments do not add new matter.

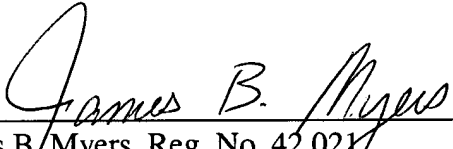
Furthermore, it is believed that the invention claimed in new claim 37 is patentably distinct from the references. It is urged that none of the references provide a composition exhibiting the specified formula with both a permittivity of between about 2000 and 4000 and a mechanical quality factor of between about 900 and about 2000. Therefore, for at least these reasons the allowance of the newly submitted claims is respectfully requested.

Conclusion

For at least the reasons discussed above, it is believed that all rejections are overcome. Reconsideration leading to withdrawal of outstanding rejections and allowance of this application is respectfully requested. Additionally, the Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Response or other issues that may be resolved in that fashion.

Respectfully submitted,

By: _____


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